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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,404	04/02/2001	Peter Kassan	P/1318-134	8833

2352 7590 08/20/2008  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2169

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: PETER KASSAN, ROBERT BARRITZ,  
STEVEN BARRITZ AND  
GERALD COHEN

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Application No. 09/824,404

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on April 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

**REPLY BRIEF**

A Reply Brief was filed April 26, 2007 in response to an Examiner's Answer filed February 22, 2007. A review of the record reveals that the Reply Brief has not been considered or acknowledged. Consideration and acknowledgment of the Reply Brief is required.

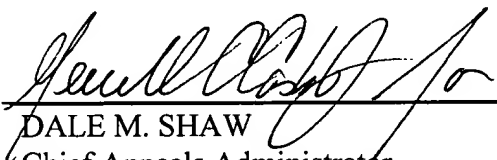
**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner for the following:

- 1) to consider and acknowledge the Reply Brief filed April 26, 2007, and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

DMS/tsj

cc: OSTROLENK FABER GERB & SOFFEN  
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